

UNITED STATES DISTRICT COURT

SOUTHERN

District of

ILLINOIS

UNITED STATES OF AMERICA
v.

LOWELL THOMAS LAKIN

JUDGMENT IN A CRIMINAL CASE

Case Number: 3:07-cr-0068-001-JPG

USM Number: 07742-025

N. Scott Rosenblum

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) 1, 16 & 17 of the 3rd Superseding Indictment

pleaded nolo contendere to count(s) _____ which was accepted by the court.

was found guilty on count(s) _____ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 U.S.C. 856(a)(1)	Maintaining a Residence for Distribution & Use of a Controlled Substance	8/30/2002	1sss
21 U.S.C. 841(a)(1)	Possession with Intent to Distribute Cocaine	10/8/2005	16sss

The defendant is sentenced as provided in pages 2 through 12 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

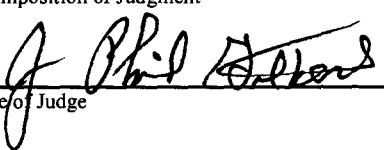
The defendant has been found not guilty on count(s) _____

Count(s) 2 through 15 is are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

10/8/2008

Date of Imposition of Judgment

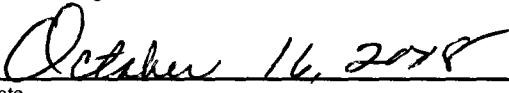

Signature of Judge

J. Phil Gilbert

Name of Judge

District Judge

Title of Judge


Date

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ADDITIONAL COUNTS OF CONVICTION

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

72 months on Counts 1, 16 and 17 of the Third Superseding Indictment. All Counts to run concurrent with each other.

The court makes the following recommendations to the Bureau of Prisons:

That the defendant be placed in the Intensive Drug Treatment Program

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at _____ a.m. p.m. on _____.

as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before 2 p.m. on _____.

as notified by the United States Marshal.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

6 years (3 years on Counts 1 and 16 and 6 years on Count 17 of the Third Superseding Indictment) All Counts to run concurrent with each other.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

- X The defendant shall cooperate in the collection of DNA as directed by the probation officer.
- X The defendant shall provide the probation officer and the Financial Litigation unit of the United States Attorney's Office with access to any requested financial information. The defendant is advised that the probation office may share financial information with the Financial Litigation Unit.
- X The defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation. The defendant shall immediately notify the probation officer of the receipt of any indicated monies.
- X Due to the defendant's substance abuse history, he shall participate as directed and approved by the probation officer in treatment for narcotic addiction, drug dependence, or alcohol dependence, which includes urinalysis or other drug detection measures and which may require residence and/or participation in a residential treatment facility. Any participation will require complete abstinence from all alcoholic beverages. The defendant shall pay for the costs associated with substance abuse counseling and/ or testing based on a copay sliding fee scale approved by the United States Probation Office. Copay shall never exceed the total costs of counseling. The number of tests shall not exceed 52 in a one year period.
- X The defendant shall submit his person, residence, real property, place of business, computer, or vehicle to a search, conducted by the United States Probation Officers at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition.
- X The defendant shall participate in anger management classes as directed by probation.
- X Defendant shall submit within 15 days, not to exceed 52 tests in a one year period for drug urinalysis.
- X If the defendant is unable to pay the criminal monetary penalties immediately, payment is due during imprisonment. While confined, the defendant shall pay any monetary penalties at rate of \$25.00 per quarter or 50 percent from prison wages if working in UNICOR. The defendant is required to notify the Court and the Attorney General of any material change in his/her economic circumstances that would affect his ability to pay.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

<u>TOTALS</u>	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
	\$ 300.00	\$ 168,831.00	\$ 180,000.00

The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Madison County Child Advocacy Center		\$40,000.00	
St. Clair County Child Advocacy Center		\$40,000.00	
Don Bosco Children's Center		\$40,000.00	
Children's Home & Aid (CHASI)		\$40,000.00	
Society of St. Vincent de Paul		\$20,000.00	
TOTALS	\$ 0.00	\$ 180,000.00	

Restitution amount ordered pursuant to plea agreement \$ _____

The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

the interest requirement is waived for the fine restitution.

the interest requirement for the fine restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES

It is ORDERED that the defendant shall pay the United States a total fine of \$168,831.00. The fine is due immediately. This includes a \$20,000.00 fine on Count 1, plus \$127,102 for costs of imprisonment, and \$21,729.00 for costs of supervision.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A Lump sum payment of \$ _____ due immediately, balance due
 not later than _____, or
 in accordance C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:

If the defendant is unable to pay the criminal monetary penalties immediately, payment is due during imprisonment. While confined, the defendant shall pay any monetary penalties at rate of \$25.00 per quarter or 50 percent from prison wages if working in UNICOR. The defendant is required to notify the Court and the Attorney General of any material change in his/her economic circumstances that would affect his ability to pay.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.
 The defendant shall pay the following court cost(s):
 The defendant shall forfeit the defendant's interest in the following property to the United States:
See attached order

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)
vs. Plaintiff,))
) vs. Criminal No. 07-30068-JPG
LOWELL THOMAS LAKIN,)
Defendant.)

PRELIMINARY ORDER FOR FORFEITURE PURSUANT TO
FED.R.CRIM.P. 32.2 WITH RESPECT TO CERTAIN
PROPERTY OF LOWELL THOMAS LAKIN a.k.a. TOM LAKIN

In the Third Superseding Indictment filed in the above cause on March 20, 2008, the United States sought forfeiture of property of Defendant, Lowell Thomas Lakin a.k.a Tom Lakin, pursuant to 21 U.S.C. § 853(a)(2). The Court, based upon the guilty plea entered in this cause, hereby finds that the following property constitutes property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offenses described in Counts 1, 16, and 17 to which the Defendant plead guilty and is therefore forfeitable:

Real property located at 287 Oakley Place, East Alton, Illinois, and all attachments, appurtenances, and improvements thereon. Said property is more specifically described as:

Lot 183 of Northwoods Subdivision #2, located in the Southwest Quarter of Section 15, Township 5 North, Range 9 West of the Third Principal Meridian, Madison County, Illinois.

Parcel No. 19-2-08-15-18-301-047

Pursuant to the "STIPULATED ORDER TO DESIGNATE SUBSTITUTE PROPERTY FOR FORFEITURE" entered as Document No. 117 on January 28, 2008, Defendant had deposited the sum of \$325,000.00 with the United States Marshal. As set forth in said Order and in the Plea Agreement

entered in this cause, said **\$325,000.00, plus any interest earned thereon**, is hereby ordered forfeited as substitute property, pursuant to 21 U.S.C. § 853(p), in place of said real estate at 287 Oakley Place, East Alton, Illinois.

The United States shall, under the authority of 21 U.S.C. § 853(n)(1) to “publish notice of the order and of its intent to dispose of the property in such matter as the Attorney General may direct,” provide notice of the forfeiture of said \$325,000.00 plus interest and the right of person other than the defendant who have any claim or legal interest in any of the property to file a petition with the Court. Said notice shall be provided in a manner consisted with Supplemental Rule G(4)(a) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions.

The notice shall state that the petition shall be set for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the release.

The United States may, also to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order for Forfeiture, as the substitute for the published notice to those persons so notified.

Upon the filing a petition alleging the third-party interests in the property, the court may amend this order to resolve the claimed third-party interests.

Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture is hereby decreed to be final with respect to defendant Lowell Thomas Lakin a.k.a Tom Lakin and is hereby made a part of his sentence and shall be included in the Judgment entered against him in this case. Said order is a final order only with respect to said defendant, and said order

may be amended with respect to petitions filed by third parties claiming an interest in the subject-matter forfeited property.

IT IS SO ORDERED.

DATE: Oct. 8, 2008



J. PHIL GILBERT
United States District Court Judge